



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAR 18 2005

Office of Regulatory Policy
HFD - 13
5600 Fishers Lane,
Rockville, MD 20857

Attention: Claudia Grillo

Dear Ms. Axelrad:

The attached application for patent term extension of U.S. Patent No. 6,051,698 was filed on February 2, 2005, under 35 U.S.C. § 156.

The assistance of your Office is requested in confirming that the product identified in the application, Macugen® (pegaptanib sodium), has been subject to a regulatory review period within the meaning of 35 U.S.C. § 156(g) before its first commercial marketing or use and that the application for patent term extension was filed within the sixty-day period after the product was approved. Since a determination has not been made whether the patent in question claims a product which has been subject to the Federal Food, Drug and Cosmetic Act, or a method of manufacturing or use of such a product, this communication is NOT to be considered as notice which may be made in the future pursuant to 35 U.S.C. § 156(d)(2)(A).

Our review of the application to date indicates that the subject patent would be eligible for extension of the patent term under 35 U.S.C. § 156.

Inquiries regarding this communication should be directed to the undersigned at (571) 272-7744 (telephone) or (571)273-7744 (facsimile).

A handwritten signature in black ink, appearing to read "Karin Ferriter", written over a horizontal line.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Barry J. Swanson
Swanson & Bratschun, LLC
1745 Shea Center Drive #330
Highlands Ranch, CO 80129